

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

August 9, 2012

- I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission Members Present – Mike Owens, Chair; Eunice Beatty, Will Berkley (arrived at 1:31 PM), Carla Blanton, Mike Cravens, Karen Mundy, Carolyn Plumlee, Lynn Roche-Phillips, and William Wilson. Patrick Brewer and Frank Penn were absent.

Planning Staff Present – Chris King, Director; Bill Sallee; Tom Martin; Chris Taylor; Dave Jarman; Jimmy Emmons; Barbara Rackers and Denice Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Captain Charles Bowen, Division of Fire and Emergency Services; Tim Queary, Department of Environmental Quality; Tracy Jones, Department of Law and Bettie Kerr and Amelia Armstrong, Division of Historic Preservation.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Beatty, seconded by Ms. Blanton, and carried 8-0 (Berkley, Brewer and Penn absent) to approve the minutes of the June 14, 2012, Planning Commission meeting.

- III. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.

- a. DP 2012-60: SEBASTIAN PROPERTY, UNIT 2 (9/29/12)* - located at 2826 Leestown Road.
(Council District 2) **(EA Partners)**

Note: Mr. Berkley arrived at this time.

Staff Comment – Mr. Martin said that the staff had received communication from the applicant's representative requesting postponement of DP 2012-60: SEBASTIAN PROPERTY, UNIT 2 to the August 23, 2012, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Mr. Berkley, and carried 9-0 (Brewer and Penn absent) to postpone DP 2012-60: SEBASTIAN PROPERTY, UNIT 2 to the August 23, 2012, Planning Commission meeting.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, August 2, 2012, at 8:30 a.m. The meeting was attended by Commission members: Eunice Beatty, Will Berkley, Frank Penn, Carolyn Plumlee and Karen Mundy. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Chris Taylor, Dave Jarman, Denice Bullock and Barbara Rackers, as well as Captain Charles Bowen, Division of Fire & Emergency Services and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

- A. **CONSENT AGENDA - NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria:

- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
- (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
- (3) no discussion of the item is desired by the Commission; and
- (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
- (5) the matter does not involve a waiver of the Land Subdivision Regulations.

Requests can be made to remove items from the Consent Agenda:

- (1) due to prior postponements and withdrawals,
- (2) from the Planning Commission,
- (3) from the audience, and
- (4) from Petitioners and their representatives.

At this time, the Chair requested that the Consent Agenda items be reviewed. Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of the first three items, and the

* - Denotes date by which Commission must either approve or disapprove request.

staff is recommending approval of a one-year extension on the remaining item. (A copy of the Consent Agenda is attached as an appendix to these minutes).

- a. DP 2012-59: INGLESIDE APARTMENTS (AMD) (9/29/12)* - located at 1035 Red Mile Road.
(Council District 11) **(Vision Engineering)**

Note: The purpose of this amendment is to add recreational facilities to a group residential project, and to remove 15 parking spaces.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Division of Fire's approval of emergency access and fire hydrant locations.
 6. Denote sanitary sewer easements.
 7. Denote that this plan supersedes DP 2011-102.
 8. Document compliance with P-1 open space requirements (per Article 8-15(k)) for the three dwelling units.
 9. Correct conditional zoning note (R-4 portion only).
 10. Revise purpose of amendment note to include parking changes proposed.
 11. Resolve extent of parking reduction.
- b. DP 2012-61: MAHAN PROPERTY, UNIT 2 (9/29/12)* - located at 2950 and 2980 Man O' War Boulevard.
(Council Districts 4 and 9) **(EA Partners)**

Note: The purpose of this amendment is to change the street and lotting pattern, and to update FEMA floodplain information.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, sanitary sewers and floodplain information.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection plan and street tree information.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Division of Fire's approval of emergency access and fire hydrant locations.
 9. Division of Waste Management's approval of refuse collection.
 10. Denote adjoining property descriptions.
 11. Denote common open space areas.
 12. Denote height of types "A" and "B" townhouses.
 13. Separate site statistics for single family vs. townhouse for open space.
 14. Denote tree protection areas on plan.
 15. Denote pedestrian walkways to be constructed in townhouse area.
 16. Resolve the need for storm water detention along Man O' War Boulevard frontage.
- c. DP 2012-62: VICTORY APOSTOLIC CHURCH, INC. (9/29/12)* - located at 1420 Greendale Road.
(Council District 2) **(Banks Engineering)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire's approval of emergency access and fire hydrant locations.
9. Division of Waste Management's approval of refuse collection.
10. Denote developer.
11. Addition of contour information.
12. Clarify sidewalks around building and in right-of-way.
13. Denote construction access point location.
14. Delete note #10.
15. Denote timing of the dedication of Greendale Road right-of-way prior to issuance of a Zoning Compliance Permit.

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- d. DP 2010-26: GRIFFIN GATE OFFICE PARK (AMD) (10/31/12)*- located at 1460 Newtown Pike.
(Council District 2) (Wheat & Ladenburger)

Note: The purpose of this amendment is to add 923 square feet of buildable area and a new access point. The Planning Commission originally approved this plan on August 12, 2010, and approved a one-year extension on August 11, 2011, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of two additions, landscaping and landscape buffers.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Addition of Final Record Plat information for property.
9. Addition of building, lot coverage and floor area information to site statistics.
10. Addition of utility easements.
11. Addition of information from the certified development plan (DP 2008-16).
12. Denote Board of Adjustment approval of a variance to the side yard setback, or revise "Area B" to meet side yard setback requirement.
13. Denote construction access location.
14. Denote storm water detention area for this development.

Note: The applicant now requests a one-year extension of the Commission's prior approval.

The Staff Recommends: **Approval of a one-year extension**, subject to the previous conditions.

In conclusion, Mr. Sallee said that the items listed on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission or the audience to permit discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. Ms. Roche-Phillips requested that DP 2012-62: VICTORY APOSTOLIC CHURCH, INC. be removed for further discussion.

Action - A motion was made by Ms. Roche-Phillips, seconded by Ms. Mundy and carried 9-0 (Brewer and Penn absent) to approve the remaining items listed on the Consent Agenda.

- B. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the meeting. The Chair will announce his/her decision at the outset of the hearing.

Mr. Owens said that the Commission would be deviating from the normal hearing procedures to first consider DP 2012-62: VICTORY APOSTOLIC CHURCH, INC. regarding the proposed dumpster location on this site.

1. DEVELOPMENT PLANS

- a. DP 2012-62: VICTORY APOSTOLIC CHURCH, INC. (9/29/12)* - located at 1420 Greendale Road.
(Council District 2) (Banks Engineering)

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.

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2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire's approval of emergency access and fire hydrant locations.
9. Division of Waste Management's approval of refuse collection.
10. Denote developer.
11. Addition of contour information.
12. Clarify sidewalks around building and in right-of-way.
13. Denote construction access point location.
14. Delete note #10.
15. Denote timing of the dedication of Greendale Road right-of-way prior to issuance of a Zoning Compliance Permit.

Staff Presentation – Mr. Martin identified the final development plan on the Agenda, noting that on February 23, 2012, the Planning Commission had approved a zone change request for this property.

Mr. Martin directed the Commission's attention to a rendering and oriented them to the subject property and to the nearby street system. He said that the subject property is located at 1420 Greendale Road, which is just off Spurr Road, near the Norfolk-Southern Railroad track. He then said that the subject property fronts on Greendale Road and there will be one proposed access to the site. He added that the applicant is proposing 54 associated parking spaces for a two-story, 13,200 square-foot church building. He noted that the railroad track is next to the large KU transmission easement at the rear of the site and said that this site is required to have a larger landscape buffer due to the remnant piece of land still zoned A-R.

Mr. Martin said that the issue regarding this request is the proposed dumpster location at the front of the site. He then said that there were discussions among the staff about placing the dumpster to the rear of the site. The Division of Solid Waste's only concern with the proposed location is the turning radius at the rear of the church and the need for this area to be modified to allow the larger trucks to exit the property. He added that, due to various conflicts, dumpsters are not allowed to be located in an easement.

Mr. Martin said that the Subdivision Committee reviewed the applicant's request, and recommended approval of this plan, subject to the conditions listed on today's agenda. He then said that conditions #1 through #9 are standard sign-off conditions from the different divisions of the LFUCG, and the remaining conditions listed are "cleanup" items that would need to be addressed prior to the plan being certified. He said that if the Commission believes the dumpster needs to be relocated, a 16th condition could be considered.

Representation – Jason Banks, Banks Engineering, was present representing the applicant. He said that they have no objections to relocating the dumpster to the rear of the property. He then said that they are in agreement with the staff's recommendations, and requested approval of this item.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Planning Commission Comments – Mr. Owens asked if the applicant would be agreeable to a 16th condition to relocate the dumpster. Mr. Banks replied affirmatively. Mr. Owens then said that the Commission could consider adding a 16th condition to read "Relocate the dumpster to the southeast corner of the parking lot."

Action - A motion was made by Ms. Roche-Philips, seconded by Ms. Mundy and carried 9-0 (Brewer and Penn absent) to approve DP 2012-62: VICTORY APOSTOLIC CHURCH, INC., as presented by the staff, adding a 16th condition to read "Relocate the dumpster to the southeast corner of the parking lot."

2. **PRELIMINARY SUBDIVISION PLAN**

- a. PLAN 2003-209P: MASTERSON HILLS & MASTERSON STATION, UNIT 10 (8/9/12)* - located at 2900-2918 and 3000 Spurr Road. (Council District 2) **(EA Partners)**

Note: The Planning Commission postponed this plan at their April 12, 2012; May 10, 2012; June 14, 2012 and July 12, 2012, meetings.

The Subdivision Committee Recommended: **Postponement.** There are concerns about compliance with cemetery protection measures.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.

* - Denotes date by which Commission must either approve or disapprove request.

3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Denote source of contours.
8. Addition of proposed utilities and utility provider information.
9. Addition of average lot size in site statistics.
10. Denote 50' "No Disturbance" area around the cemetery.
11. Discuss compliance with Article 3-7(b)(4) of the Zoning Ordinance.

Staff Presentation – Mr. Taylor identified the preliminary subdivision plan on the Agenda, noting that the subject property is located at 2900-2918 and 3000 Spurr Road. He directed the Commission's attention to a rendering and oriented them to the subject property and to the nearby street system. He said that the subject property is located between Greendale Road and Sandersville Road, and Sandersville Elementary School is adjacent to the subject site. He then said that this site consists of two preliminary subdivision plans. The current request is proposing 422 lots, while the remainder of the development is not being amended.

Mr. Taylor said that in April of this year the Subdivision Committee had recommended postponement of the applicant's request due to concerns about the compliance with cemetery protection measures in the Zoning Ordinance. He said that there is an existing cemetery on this development, which is governed by Article 3-7(b)(1) of the Zoning Ordinance. He then said that one of the requirements of Article 3-7(b)(4) is for a cemetery boundary study to be submitted with a new development plan or a new preliminary subdivision plan. At the time of the new submission, the staff had not received the boundary study, which led to the postponement recommendation made by the Subdivision Committee. Since that time, the staff has received the proper documentation required by the Zoning Ordinance, but had not received a revised preliminary subdivision plan.

Mr. Taylor directed the Commission's attention to the revised recommendations previously distributed, and noted that conditions #1 through #6 are standard sign-off conditions from the different utilities and divisions of the LFUCG, and conditions #7 through #10 were essentially "cleanup" items. He then briefly explained the remaining conditions #10 through #13 and how those were related to the compliance of Article 3-7 of the Zoning Ordinance.

10. Denote 50' "No Disturbance" area around the cemetery (per Article 3-7(b)(1)).
11. Discuss compliance with Submittal of cemetery map per Article 3-7(b)(4) of the Zoning Ordinance prior to plan certification, and revise lotting, as necessary.
12. Denote Article 3-7(b)(2), Article 3-7(b)(5) and Article 3-7(b)(6) requirements (for screening, landscaping, fencing and maintenance) on plan.
13. Denote that excessively deep lotting proposed will be reviewed with any Final Record Plat.

Mr. Taylor concluded by saying that the staff is recommending approval of this plan, subject to the revised conditions distributed to the Commission.

Planning Commission Question – Mr. Owens asked if condition #12 would be shown as a detailed drawing on the plan. Mr. Taylor replied that it could be possible, although not necessarily, depending on how much detail is provided in the notes. Mr. Owens clarified that there may not necessarily be a drawing on the plan but there would be detailed notes on the plan. Mr. Taylor replied affirmatively.

Applicant's Representative – Rory Kahly, EA Partners, was present representing the applicant. He said that, as for condition #12, the language from Article 3-7 of the Zoning Ordinance would be provided verbatim on the preliminary subdivision plan. He then said that they were in agreement with the staff's revised recommendation and requested approval of this plan.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Ms. Beatty and carried 9-0 (Brewer and Penn absent) to approve PLAN 2003-209P: MASTERSON HILLS & MASTERSON STATION, UNIT 10, subject to the revised conditions as presented by the staff.

3. ZONING DEVELOPMENT PLAN

Note: The I/R Planner has forwarded the following plan to the Planning Commission for consideration in order to facilitate the certification of a Zoning Development Plan.

ZDP 2012-13: RED MILE MIXED-USE DEVELOPMENT (AMD) - located at 439-471 Nelms Avenue and a portion of 1200 Red Mile Road. **(Vision Engineering)**

Note: The purpose of this amendment is to add new development along Red Mile Road.

* - Denotes date by which Commission must either approve or disapprove request.

This plan was approved by the Planning Commission on June 28, 2012, subject to the 11 conditions listed below.

1. Provided the Urban County Council rezones the property MU-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Greenspace Planner's approval of treatment of greenways and greenspace.
7. Addition of pedestrian connections to public sidewalk system.
8. Denote: The need for sidewalks and widening on Nelms Avenue will be reviewed at the time of the Final Development Plan.
9. Correct and clarify all site statistics to reflect the revised plan.
10. Resolve the extent of improvements to Red Mile Road necessitated by the proposed right in/out access at the time of the Final Development Plan.
11. Denote that the building lot line conflict will be resolved at the time of the final development plan.

Note: The approval granted by the Planning Commission expired on July 12, 2012; however, the plan was certified on July 19, 2012.

The Staff Recommends: **Reapproval**, subject to the same conditions required by the Planning Commission on June 28, 2012.

Staff Presentation – Mr. Sallee identified the zoning development plan on the agenda addendum, and noted that the Planning Commission had recommended approval of this proposal on June 28, 2012.

Mr. Sallee directed the Commission's attention to a rendering of this plan and oriented them to the subject property and to the nearby street system. He said that the subject property is located at 439-471 Nelms Avenue and a portion of 1200 Red Mile Road, noting that it is at the corner of South Broadway and Red Mile Road, opposite Virginia Avenue. He added that Nelms Avenue runs parallel to Red Mile Road and connects to the Red Mile development, ending in close proximity to the Stable of Memories.

Mr. Sallee said that this request, as well as the associated zone change, was first presented to the Commission at their June meeting. He then said that a larger illustration of the development had shown that half of Nelms Avenue would be retained, while the remaining section of Nelms Avenue would make a 90-degree turn and act as an existing access stub toward Red Mile Road. This would allow two three-story buildings, 43,000 square feet each in size, and new off-street parking, in addition to the off-street parking area between the Stable of Memories and the horse track. He added that the non-residential uses would be located on the first floor, with residential use located on the second floor.

Mr. Sallee said that, in looking at the addendum, there are 11 conditions associated with this plan. He then said that the applicant had met those conditions and the plan was certified on July 19, 2012. Unfortunately, the Planning Commission's approval was only valid for two weeks after the approval, and this plan was not certified until three weeks after the Commission's approval. He then said that the staff is requesting that the Commission reapprove this plan in order for it to be certified within the next two weeks. Otherwise, the entire application would need to start over at the beginning. He added that the staff is recommending reapproval of this plan, subject to the same conditions required by the Planning Commission on June 28, 2012.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Berkley, seconded by Ms. Beatty and carried 9-0 (Brewer and Penn absent) to reapprove ZDP 2012-13: RED MILE MIXED-USE DEVELOPMENT (AMD), subject to the same conditions as required by the Planning Commission on June 28, 2012.

- C. PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

Action - A motion was made by Mr. Cravens, seconded by Ms. Beatty, and carried 9-0 (Brewer and Penn absent) to approve the release and call of bonds as detailed in the memorandum dated August 9, 2012, from Ron St. Clair, Division of Engineering.

- V. COMMISSION ITEM** – The Chair will announce that any item a Commission member would like to present will be heard at this time.

- A. **BOAR 2012-1: MICHAEL HAYES** (8/9/12)* – an appeal of the Board of Architectural Review's denial of a Certificate of Appropriateness for wood-clad vinyl windows at 354 & 358 Oldham Avenue.

The Staff Recommends: **Disapproval and that the decision of the BOAR be upheld**, for the following reasons:

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1. The denial of a Certificate of Appropriateness by the Board of Architectural Review is consistent with their charge in determining appropriateness of requested exterior changes, based on the design guidelines established by the local Historic Preservation Commission, specifically guidelines I.24.A and I.24.B in this case. It is also consistent with past decisions of the BOAR with regard to window replacement.
2. Although the appearance from the street of the vinyl windows with a wood facing may be virtually the same as that of the structure's original windows, the material used in the replacement windows is different and, in fact, is not permitted. This is supported by the requirement that, if replacement windows are permitted, one of the characteristics of the replacement windows is to be "in-kind" materials, as noted in Guideline I.24.B.
3. The adopted Design Guidelines underwent extensive review and revision a few years ago, one reason being the availability of new products that could (and often did) replicate historic materials and were structurally sound. Use of vinyl products (both in windows and other building materials) was considered at length. Based on safety issues, as well as aesthetics, vinyl has remained a material that is disallowed in historic districts.

Staff Presentation – Ms. Rackers submitted a letter from the Blue Grass Trust for Historic Preservation, as well as a copy of Mr. Hayes's appeal to the Commission for review and to be placed in the record. She stated that this is an appeal of the Board of Architectural Review's denial of a Certificate of Appropriateness for wood-clad vinyl windows for property located at 354 and 358 Oldham Avenue.

Ms. Rackers said that the subject properties are located on the east side of Oldham Avenue, mid-block between East High Street and Euclid Avenue. She then said that the properties are zoned Single Family Residential (R-1E) with an H-1 overlay zone, and are part of the Aylesford Historic District. The properties are located in the Downtown Master Plan Area, but the underlying recommendation of the 2007 Comprehensive Plan for these two properties is Medium Density Residential. Both structures were built in the early 1900s, and have been in the appellant's ownership since the mid-1980s and early 1990s. She said that each property is a single-story frame cottage that has had significant upgrades over the years, such as vinyl windows, which were installed prior to the establishment of the 1999 Aylesford Historic District. She added that both properties are now used as single-family residential rental uses and are rental units.

Ms. Rackers said that the appellant is requesting that the Planning Commission review the April 11th decision of the Board of Architectural Review (BOAR), which was a denial of a Certificate of Appropriateness to replace the wood frame windows with vinyl windows of the same design, with wood cladding. She then said that each property has existing vinyl windows that were installed prior to the Historic District Overlay was implemented; and, within the past year, each of these properties has had windows replaced without obtaining a Certificate of Appropriateness (COA) from Historic Preservation.

Ms. Rackers stated that, at the BOAR hearing, Mr. Hayes had said that he strives to provide affordable single family housing. One aspect of this is to allow his tenants to make any repairs or improvements to the residence then deduct the amount from their monthly rent. She then said that the tenant at 354 Oldham Avenue had replaced five windows with vinyl window sashes and did so without the appellant's knowledge or obtaining a Certificate of Appropriateness. She added that when the tenant at 358 Oldham Avenue had moved, they had said that their decision was due to their inability to pay the high utility bills. Mr. Hayes made a decision to replace those wood-frame windows with the same type of vinyl windows as those installed at 354 Oldham Avenue. Ms. Rackers said that Mr. Hayes based his decision on incorrect information obtained from the contractor who had installed the windows at 354 Oldham Avenue. She then said that the contractor had told Mr. Hayes, as long as the profile matched the original window, the vinyl windows were acceptable. Ms. Rackers said that, because of the poor energy efficiency of the existing windows, Mr. Hayes purchased what he thought would remedy that issue, without applying for a COA or checking with the Division of Historic Preservation. She then said that Mr. Hayes was aware that his properties were part of the Aylesford Historic District, noting that he had spoken in support of it at the time.

Ms. Rackers then stated that, during the BOAR hearing, Mr. Hayes had provided several photos of the interior and exterior of each residence to demonstrate that there is very little of the original fabric left on either property, inside or outside, giving this as a reason or justification for keeping the vinyl windows. She then said that Mr. Hayes believed that attaching a wood frame to the outside of the vinyl windows rendered them wood windows for both practical and regulatory purposes. Mr. Hayes had noted that because the wood was attached to the outside of the windows, it made the vinyl an interior element; therefore, the windows would not be within the Board's purview. He further noted that because the vinyl would be exterior and would not be visible, the windows would meet the intent of the Design Guidelines. Ms. Rackers noted that the Chair's response to Mr. Hayes was that the windows are part of the structural shell and are therefore within the Board's purview. The Chair added that attaching wood to a vinyl window does not make it a wood window. The window is still a vinyl window and the use of vinyl is prohibited by the Design Guidelines, whether it is visible or not. Ms. Rackers said that Mr. Hayes did not agree with the Board and asked them to consider his request since it was difficult, if not impossible, to tell from the street that the windows were vinyl. She said that Mr. Hayes had added that the wood would be attached to the exterior of the windows, which would maintain the visual historic integrity of the houses and the historic district.

Ms. Rackers said that based on Mr. Hayes's argument, only appearance should matter with regard to the use of materials; but that is not how the Design Guidelines are written, nor is it the practice of the BOAR to interpret them in that way. She then said that the Design Guidelines specifically state that when replacement is allowed the material must be in-kind with regard to size, design and material, thereby maintaining the historic integrity of the houses, as well as the historic district. She added that the windows' size and design are the same as the previous windows, but the material is different.

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Ms. Rackers said that there are several Design Guidelines that apply to this request; but, more specifically, Design Guideline 1.24 B clearly notes that the use of vinyl windows is prohibited. She then said that a little over four years ago, the Design Guidelines underwent a lengthy and extensive review by a committee made up of members of the Historic Preservation Commission, Historic Preservation staff and several interested citizens. In 2008 the Design Guidelines were adopted. She added that one of the major discussion items of the Committee was the replacement of windows. This was due to the many requests appeals turned down by the BOAR. She said that there were several new products made available in window design that could replicate historic windows and provide a desired level of energy efficiency. After much discussion, the Committee had decided that vinyl and/or vinyl-clad products would remain prohibited for both aesthetic and safety purposes. In addition, vinyl was not a product that was used in construction when most historic structures were built and it is not a product that has withstood the test of time.

Ms. Rackers said that the Planning staff reviewed Mr. Hayes's appeal and could find no flaws in the review his request by either the Historic Preservation staff or the Board of Architectural Review. She added that that outcome is consistent with the charge of the Board of Architectural Review, which is to interpret and apply the adopted Design Guidelines in determining the appropriateness of a specific request, and is also consistent with past decisions of the BOAR. She noted that there was no room for interpretation of the guidelines, as Guideline 1.24.B specifically states that vinyl or vinyl-clad windows are not permitted in the historic districts. Ms. Rackers said that the Staff is recommending disapproval of this appeal and the decision of the BOAR should be upheld, for the reasons provided on today's agenda.

Historic Preservation Presentation – Ms. Armstrong submitted into the record the Certificate of Appropriateness application, the Board of Architectural Review minutes, Article 13 of the Zoning Ordinance (Historic Preservation section) and the Design Guidelines, as well as the minutes from the BOAR hearing. She presented several photographs to the Commission and gave a brief description of each (a copy of the mentioned items is attached as an appendix to these minutes). She requested that the Planning Commission uphold the BOAR decision by disapproving this request.

Planning Commission Questions – Mr. Berkley asked if the replacement windows were a wood and vinyl product or if the windows would have wood trim. Ms. Armstrong said that the appellant had installed vinyl windows and proposed to add a wood frame to the vinyl sash. Mr. Berkley then asked if the window was a combination product. Ms. Armstrong replied that the windows were not a combination product. Ms. Kerr said that the vinyl window would be left in place and the wood would be adjacent and adhere to the vinyl.

Ms. Roche-Phillips asked if this is a "de novo" hearing. Ms. Jones (Counsel) replied affirmatively and said that the Planning Commission would be considering the BOAR decision and should give deference to their decision.

Appellant's Presentation – Michael Hayes, property owner of 354 & 358 Oldham Avenue, was present. He noted for the record that he knows both Ms. Roche-Phillips and Ms. Blanton. He presented a PowerPoint presentation to the Commission and gave a brief description of each illustration. (A copy of this is attached as an appendix to these minutes.)

Mr. Hayes said that he and his wife provide high quality affordable housing to young professionals and gave a brief description of the type of housing within the neighborhood. He then said that within the 300 block of Oldham Avenue, there are 33 houses, 17 of which are sheathed in vinyl or aluminum trim. There are two brick houses with aluminum trim, one house with hardi-board siding, and 13 still have the original wood siding. He added that 61 percent of the houses in this area do not have their original finishes.

Mr. Hayes then said that what they are proposing is to have the windows to be the exact dimensions of the original windows. He said that the vinyl windows with the wood attached is just a technicality because the vinyl windows would become part of the interior of the house. This would then be outside of the BOAR's purview. He noted that the BOAR disagreed with his justification and stated that the entire envelope is subject to their review.

Mr. Hayes said that his goal is similar to that of the City's, and he is proposing that the windows be clad in wood. The appearance of the window would match the material, size, design, location and number of panes, as noted in Guideline 1.24.C. He then said that the wood would be affixed to the window, thus creating a wood window. No vinyl would be visible from the street. He added that the proposed windows would meet the Design Guidelines for replacement windows and would provide a historical and financially feasible option. In conclusion, Mr. Hayes requested the Commission to approve this request.

Planning Commission Questions – Ms. Roche-Phillips clarified, for the record, that Mr. Hayes is a neighbor, but they have not spoken about this case. She added that this item was postponed the previous month; and at that time, it was noted that communication was not appropriate. For the record, Mr. Hayes agreed that he had not spoken to either Ms. Roche-Phillips or Ms. Blanton concerning this case.

Ms. Roche-Phillips asked about the process of attaching the wood to the vinyl window. Mr. Hayes said that he had taken the original window to a cabinet maker in Manchester, KY, who replicated the exact size, design, number of panes and so forth. He then said that the wood cladding would be attached with a sunken screw and filled in with caulk. Ms. Roche-Phillips then asked if these windows are energy efficient. Mr. Hayes replied that the windows are energy efficient, but he does not know the specifications of the windows.

Ms. Mundy asked if the windows are fully operational and are able to open and close. Mr. Hayes replied affirmatively. Ms. Mundy then asked if the wood is drilled into the frame of the window, if that would not prohibit egress and ingress. Mr. Hayes replied negatively, and said that the window is inside the frame and is able to move freely. He then said that the window would be attached frame to frame. Ms. Mundy said that the frame is what holds the sash on the window; and if the frame is drilled, the movement of the window is prohibited. She then said that drilling into the frame would hinder egress and ingress. Mr. Hayes said that he can assure the Commission that egress and ingress would not be hindered. He asked why windows would be replaced if they could not be opened. Ms. Mundy said that many people do not open their windows, noting that she does not have screens on her windows. She added that windows that can not be opened are not safe. Mr. Hayes said that the Commission would have to trust him, noting that the windows would not be hindered from opening and closing.

Ms. Mundy then asked if Mr. Hayes was aware of the Board of Architectural Review rules and regulations prior to starting the replacement of these windows. Mr. Hayes said that he was unaware of the windows being replaced at 354 Oldham Avenue due to the tenant making those repairs. As for 358 Oldham Avenue, he said that he was given incorrect information concerning the replacement of the windows.

Mr. Cravens asked if the wood is being attached to the bottom sash. Mr. Hayes replied negatively, adding that the wood would only be attached to the top and sides.

Mr. Cravens then asked what would happen to a historic neighborhood that already has vinyl windows in place needing to be repaired. Ms. Kerr replied that if the neighborhood character is vinyl and vinyl clad material, it would be reflected in the Design Guidelines.

Audience Comments – Jim Dickinson, attorney, was present representing the Blue Grass Trust for Historic Preservation. He noted that he is a former member of the LFUCG Board of Architectural Review, and he lives at 368 Transylvania Park, which is part of the Aylesford Historic District. He added that Linda Carroll, President of the Blue Grass Trust, had submitted a letter to the staff and Planning Commission for review (a copy of which is attached as an appendix to these minutes).

Mr. Dickinson said that he wanted to commend the staff and their recommendation in reviewing Mr. Hayes's proposal and said that the Planning Commission should reaffirm the decision made by the BOAR. He then said that Mr. Hayes is trying to compromise with the Planning Commission, but he had created this issue himself. He added that Mr. Hayes participated in the process of making the Aylesford neighborhood an historic district, and he was fully aware that there is a process that must be adhered to, as well as observed, should any structural change be made. He added that if Mr. Hayes had filed an application with the BOAR, he would have known that the windows are to be repaired, not replaced. The Design Guidelines specifically state that if the existing window is repairable, it is not to be replaced. Mr. Dickinson said that everyone living in an historic district, who has renovated their house, knows full well that the Board of Architectural Review needs to be consulted prior to any work being done to ensure that the regulations are being followed. He then said that to allow this variance would undermine the entire integrity of the Design Guidelines. He added that there is no provision in the guidelines for this type of variance, and it clearly states that vinyl or vinyl-clad windows are prohibited. Mr. Dickinson said that Mr. Hayes should have consulted with the staff, and filed an application to repair the windows. He then said that the point of an historic overlay is to preserve what is left in the area; and for Mr. Hayes to move forward, destroying the windows, defeats the purpose of the H-1 Overlay. He feels that Mr. Hayes is blackmailing the system by saying that if the windows can not remain, then this property would become a slum house.

Rebuttal – Mr. Hayes said that he does not personally know Mr. Dickinson, but he had made some pretty strong statements. He then said that he has no intension of blackmailing the system - that is not what his family is about. Mr. Owens said that the Commission considers those comments made by Mr. Dickinson as general statements.

Ms. Kerr said that the appellant had mentioned the existing conditions within this area, and it is very difficult to say what already existed and what was allowed after the H-1 Overlay unless each structure is reviewed in detail. She then said that the Commission should keep in mind that part of the process is for the appellant to obtain permits prior to any changes being made a that structure. She added that this helps the staff evaluate the proposal and the property owner to determine the state of the material in an effort to protect and preserve that area. Should the materials not be preserved, it would be replaced with an appropriate material. She noted that replacing windows is not uncommon, and most of the time it is the bottom section that needs to be replaced due to water damage. Ms. Kerr said that energy efficiency can be provided through insulation of the frames and updating the storms on the windows.

Planning Commission Questions - Ms. Blanton asked about the estimated cost to replace or repair damaged windows. Ms. Kerr said that, depending on what type of repair is needed, an existing window could cost between \$600 and \$900 per window. Ms. Blanton then asked if that repair included replacing the glass. Ms. Kerr said that the glass is usually retained. Ms. Blanton said that she has lived in older homes and she understands what the cost is to replace the glass in the window. Ms. Kerr said that, to order a new window, the cost would be around \$800, depending on the size.

Ms. Beatty asked if a neighborhood wanted to stabilize and preserve an area if there is another type of request that is available other than H-1 Overlay. Ms. Rackers said that a neighborhood could request an ND-1 Overlay zone to maintain the character of a neighborhood, at which time the neighborhood would create a list of standards. She then said that the ND-1 Overlay was not available at the time the Aylesford Historic District was created. She added that the Planning Commission, the Board of Architectural Review, the Council and the Aylesford neighborhood decided that this area was a good candidate

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for an H-1 Overlay. Ms. Beatty then asked if neighborhoods wanted to preserve their area if they are given both options. Ms. Rackers said that the neighborhood must speak to the BOAR staff, as well as the Planning staff, to decide which direction would be more beneficial for that area. Ms. Kerr said that each of the overlays can restrict certain elements that the other can not. She then said that the ND-1 Overlay can not preserve the detail of the historic elements of an area.

Ms. Blanton said that these types of requests disturb her because there is no room for common sense. She then said that, if the point is to preserve the character of an historic home and keep the original design, if it would better to make the replacement of the windows as affordable as possible, whether it is wood or vinyl, to provide energy efficiency, which has completely been lost. She added that not to allow vinyl windows when the house has vinyl siding on it, just flies in the face of common sense and does not follow the spirit of what is trying to be achieved.

Mr. Cravens said that the Design Guidelines clearly state no vinyl or vinyl-clad windows. He then said that the Commission or the applicant can not break the code, even if they do not agree with it. He asked if an alternative window can be used, such as a 1 over 1 wood window. Ms. Kerr said that the level of expense is not noted in the guidelines. She then said that since the original windows are gone, they can not be evaluated. Mr. Cravens said that there is an inexpensive 1 over 1 wood window that could be used. Ms. Kerr said that there are financial ranges that can accomplish the goal. Mr. Cravens asked if a tax credit can be received. Ms. Kerr said that a substantial amount of renovation must be done to receive an historic tax credit. She added that the credit would be proportionate to the value of the property. Mr. Cravens said that the appellant could receive an energy tax credit. Ms. Kerr replied that was possible.

Ms. Blanton said that it is being suggested that the appellant replace high energy efficient windows with low energy efficient windows, as part of the solution. She asked if the wood clad could be used which would make the vinyl window an interior issue. Mr. Cravens said that the Design Guidelines are clear. Ms. Plumlee said she agreed with Ms. Blanton.

Ms. Blanton asked if a motion could be made to allow the appellant to use the wood clad, making the vinyl windows interior, as long as it does not impede egress and ingress in an emergency. Ms. Jones said that the decision is up to the Planning Commission to determine what is appropriate. She then said that the requirement of the Ordinance notes that the Commission apply the guidelines and take into consideration the record of the BOAR hearing.

Ms. Beatty said that she respected what Ms. Blanton was saying, noting that it is easy to lose sight of common sense; however, the Commission can not set a precedent for future requests since the Commission reviews these only on a case-by-case basis. She then said that the Design Guidelines set the criteria and the standards for the H-1 Overlay. She added that the Commission could strongly suggest that the Design Guidelines be reviewed to introduce new materials, but the Planning Commission should not set a precedent since they only review these on a case-by-case basis. She said that she is leaning strongly toward upholding the BOAR decision.

Ms. Roche-Phillips asked when the new Design Guidelines were adopted. Ms. Kerr said that in 2008 the new Design Guidelines were adopted and were further updated in 2010. She said that during the Committee's review process, they had weighed in on the new material; and through that study it was determined that no vinyl would be allowed. However, it was determined that hardiplank and other materials are appropriate. She added that every two years the Design Guidelines are reviewed, particularly for new materials.

Ms. Roche-Phillips clarified that the Commission serves as the appeal body for the BOAR appeals rather than the Board of Adjustment. Ms. Kerr replied affirmatively.

Ms. Roche-Phillips said that she disagreed that the Commission may set a precedent since these applications are on a case-by-case basis. She then said that the Commission can justify their actions due to the unique circumstances of this case; however, she is conflicted when people ask for forgiveness, rather than permission. She asked that, even though the intention of the wood clad is in the spirit of the Design Guidelines, the appellant could be charged with a fine or reprimand for going about the process incorrectly. Ms. Kerr said that the property owner must come into compliance, and if they do not come into compliance, then fines could be applied.

Mr. Owens applauded Mr. Hayes for trying to provide affordable housing and making it energy efficient. He said that he had visited this property, and from the street, no one can see the difference. However, windows are considered to be part of the exterior shell of the house and vinyl is prohibited. He added that he may not agree, but vinyl is prohibited.

Ms. Blanton asked for guidance to make a motion to find that Mr. Hayes is in compliance with the Design Guidelines using the wood cladding. Ms. Jones clarified that Ms. Blanton would be approving Mr. Hayes's appeal with which Ms. Blanton agreed.

Action - A motion was made by Ms. Blanton, seconded by Ms. Roche-Phillips, to approve **BOAR 2012-1: MICHAEL HAYES** for the following reason:

1. The wood cladding makes the vinyl window not part of the exterior shell and not under the purview of the Design Guidelines.

Discussion of Motion - Mr. Owens clarified that this is a motion to approve the appeal to allow Mr. Hayes to keep the wood clad vinyl windows. Ms. Jones said that the motion on the floor is to approve the appeal for the reason provided by Ms. Blanton.

The motion failed 3-6 (Cravens, Owens, Wilson, Beatty, Berkley and Mundy opposed; Brewer and Penn absent).

Planning Commission Comment - Mr. Wilson also applauded what Mr. Hayes was trying to do, but noted that the law is the law. He then said that it is one thing to get forgiveness and one thing to ask for permission, and there was ample time for the appellant to submit an application to do that.

Action - A motion was made by Mr. Wilson, seconded by Mr. Berkley, and carried 7-2 (Blanton and Roche-Phillips opposed; Brewer and Penn absent) to uphold the BOAR decision and adopt the findings, for the reasons provided by the staff.

VI. STAFF ITEMS – The Chair will announce that any item a Staff member would like to present will be heard at this time.

- A. ZONING ORDINANCE TEXT AMENDMENT INITIATION** – The staff will request that the Planning Commission initiate a text amendment to the Zoning Ordinance in order to create and clarify zoning regulations for sidewalks located in close proximity to driveways. New regulations are necessary, especially in the defined Infill & Redevelopment Area, to prohibit the construction of private walkways in a manner which would facilitate illegal vehicular parking.

Staff Presentation – Mr. King said that the staff is requesting that the Planning Commission initiate a text amendment to the Zoning Ordinance to clarify the zoning regulations for areas that particularly involve student housing. He directed the Commission's attention to the first photograph to illustrate how an additional sidewalk was constructed in close proximity to an existing driveway. He said that, in general, all driveways extend to the rear of the property and driveways are subject to restrictions, permitting requirements and parking restrictions. However, smaller sidewalks are not clearly articulated in the Zoning Ordinance and are not directly defined as part of an existing driveway. He noted that under the Kentucky Building Code, these smaller sidewalks are not defined as a structure, such as patios are. Therefore, when property owners decide to build the smaller sidewalks, parking area, they are not shown on the permit application. He then said that what is being seen in this type of situation is a de facto that is circumventing the requirement that there be no parking in the front yard.

Mr. King then directed the Commission's attention to the next photograph, noting that this image was taken that same morning and explained that an existing driveway is shown on the left side of the property, and a traditional sidewalk leading to the front of the house is in the center of the front yard. He said that the property owner has constructed a smaller paved area between the driveway and sidewalk. The photograph does not show a car parked in the front of the property; and until a car is parked in that location, the additional paved area is not illegal. He added that there is a small strip of paved area that has been added to the existing driveway. The property owner did obtain a permit for the additional paved area to the driveway, but the smaller paved area was not shown on the approved permit.

Mr. King said that the staff believes that this is a situation could potentially encourage violating the law. He then said that the staff would be working on the language to deal with this situation and requested the Commission to approve the initiation of this text amendment. .

Planning Commission Question – Ms. Roche-Phillips asked if these properties have common ownership. Mr. King replied that he could not say; but, in general, this situation is within the student housing area.

Action - A motion was made by Ms. Roche-Phillips, seconded by Ms. Mundy, and carried 9-0 (Brewer and Penn absent) to initiate the text amendment to the Zoning Ordinance to develop new regulations to prohibit the construction of private walkways in a manner which would facilitate illegal vehicular parking.

- B. ZONING ORDINANCE TEXT AMENDMENT INITIATION** – The staff will request that the Planning Commission initiate a text amendment to Article 6 of the Zoning Ordinance to modify the notification requirements for zone change applications - increasing the notification area to a distance of 500 feet from the area proposed for rezoning. Following notification to all registered neighborhood associations, and review by the Commission's Zoning Committee, the required public hearing could be scheduled as early as September 27, 2012.

Staff Presentation – Mr. Sallee noted that this request is related to the recent change to the notification area for the Board of Adjustment conditional use permits. He directed the Commission's attention to Article 6 of the Zoning Ordinance that was previously distributed. He said that this initiation would modify the notification requirements for zone change applications from the current 400-foot radius to the proposed 500-foot radius from the area being proposed for a rezoning. He then said that there have been occasions when a zone change and a conditional use permit were being requested, at the same time. This change would simplify the notification requirement to prevent any issues of a property owner not being notified. He added that this change would provide an additional level of notice for the typical zone change that does not involve a conditional use permit.

Mr. Sallee concluded by saying that the only change being made to Article 6 is the notification area from 400 feet to a distance of 500 feet.

Planning Commission Question – Mr. Cravens asked how many more property owners would be notified with this proposed change and what is the cost to the applicant. Mr. Sallee said that, during the conditional use permit review, the staff had determined there would be an increase, and referred the question to Mr. Emmons. Mr. Emmons said that, using the 2011

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conditional use applications and changing the notification area to 500 feet, it was estimated that there would be a 20 percent increase in the number of properties, as well as cost.

Mr. Cravens said that "he should have seen this coming" when the change in the conditional use notification area was initiated. Mr. Sallee said that the staff did not initiate the conditional use permit text amendment, but rather that was requested by the Urban County Council.

Action - A motion was made by Mr. Cravens to disapprove the initiation of a text amendment to Article 6 of the Zoning Ordinance to modify the notification requirements for zone change applications - increasing the notification area to a distance of 500 feet from the area proposed for rezoning.

The motion failed due to lack of a second.

Action - A motion was made by Mr. Wilson, seconded by Ms. Plumlee, and carried 7-2 (Cravens and Berkley opposed; Brewer and Penn absent) to approve the initiation of a text amendment to Article 6 of the Zoning Ordinance to modify the notification requirements for zone change applications - increasing the notification area to a distance of 500 feet from the area proposed for rezoning.

VII. COMMISSION ITEM (continued) – The Chair will announce that any item a Commission member would like to present will be heard at this time.

A. RESOLUTION FOR FORMER PLANNING COMMISSION MEMBER – At this time, the Commission and the staff would like to express their sincere appreciation to Ms. Marie Copeland for her dedication and service to the Planning Commission and the citizens of Lexington-Fayette County.

Mr. Owens said that, as everyone knows, Ms. Copeland was part of this body for 4 years and after 4 years of heart felt openness, she has developed a shyness and deferred being present to accept her resolution. He then said that, at this time, the Commission and the staff would like to recognize Ms. Copeland for her dedication and service to the Planning Commission and the citizens of Lexington-Fayette County. He added that there was not a development that Ms. Copeland did not visit or provide input when making her decision. Mr. Owens said that he appreciated the time Ms. Copeland gave and wished her the best. He then said that he had spoken with Ms. Copeland and she is preparing for a 2013 bike ride that will be held in France.

IX. AUDIENCE ITEMS – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

X. NEXT MEETING DATES

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	August 16, 2012
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	August 23, 2012
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	August 29, 2012
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	August 30, 2012
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	September 6, 2012
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	September 6, 2012
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	September 13, 2012

X. ADJOURNMENT - There being no further business, a motion was made to adjourn the meeting at 3:23 PM.

Mike Owens, Chair

Lynn Roche-Phillips, Secretary